(1) (4) C.S. 1000/- C1000/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(CHHATTISGARH)

WRIT PETITION NO. 1924 /2004

PETITIONERS :

1. Bodhan Sahu, aged about 42 years, S/o. Shri Chetan Ram Sahu, Head Constable, Police Station Saraipali, District Mahasamund, Chhattisgarh

2. Badri Prasad Baghmar, 38 years, S/o. Shri P.R. Baghmar, Head Constable, Police Station Gobra Nawapara, District Raipur, Chhattisgarh

3. Ram Sahai Singh Rajput, aged about 43 years, S/o. Shri Mordhwaj Singh Rajput, Head Constable, Raipur Traffic Police, Raipur, District Raipur, Chhattisgarh

4. Khunnidhar Dwivedi, aged about 47 years, S/o. Shri Dhirajdhar Dwivedi, Head Constable, Raipur Traffic Police, Raipur, District Raipur, Chhattisgarh

5. Gabhru Ram Chandel, aged about 42 years, S/o. Aghnu Ram Chandel, Head Constable, Police Station Chhuikhadan, Rajnandgaon, District Rajnandgaon, Chhattisgarh

6. Murlidhar Tiwari, aged about 47 years, S/o. Shri Mewalal Tiwari, Head Constable, Police Station Dharsiwa, Raipur, District Raipur, Chhattisgarh

7. Jai Lal Sahu, aged about 45 years, S/o. Late Shri Dayaram Sahu, Head Constable, Police Station Baghnadi, District Rajnandgaon, Chhattisgarh

8. Ghanshyam Deshmukh, aged about 45 years, S/o. Late Shri Ramcharan Deshmukh, Head Constable, Police Station City Kotwali, Rajnandgaon, District Rajnandgaon, Chhattisgarh

P.R. No. 1924/04 Presented by Shri R.S. Nedhariya 1-7-04

पथ आयुक्त बिलासपुर (छ.ग.) बिलासपुर तहसील क्षेत्र

REGISTER COPY Clerk to A.G. Bilaspur

(12) (5)

9. Saumitri Bhoi, aged about 40 years, S/o. Shri Damaru Bhoi, Head Constable, Police Training School, Mana Camp Raipur, District Raipur, Chhattisgarh

10. Ved Vyas Diwan, aged about 34 years, S/o. Shri Veer Singh Diwan, Police Training School, Mana Camp, Raipur, District Raipur, Chhattisgarh

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh
Through: Chief Addl. Secretary
Government. of Chhattisgarh
Department of Home Affairs,
DKS Bhawan, Mantralaya,
Raipur Chhattisgarh

2. Director General of Police,
State of Chhattisgarh, Raipur,
Chhattisgarh

3. Inspector General of Police,
Raipur Range, Raipur, District
Raipur, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

The petitioners respectfully beg to submit as under : -

1. **PARTICULARS ABOUT THE PETITIONER**:

The particulars about the Petitioner are mentioned above in the cause title.

2. **PARTICULARS ABOUT THE RESPONDENTS**:

The particulars about the Respondents are mentioned above in the cause title.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1924 of 2004

Petitioners Bodhan Sahu and others

Versus

Respondents State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Ranbir Singh, Advocate for the petitioners.

Shri V. V. S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents.

ORAL ORDER

(22nd June, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel appearing for the petitioners submits that the petitioners, who are selected for appointment on the post of Assistant Sub Inspector (ASI) on 26th, 27th and 30th August, 2002, could not be appointed because of the amended S.O.P. No. 24/2002 dated 23.6.2003 (Annexure P/1), whereby the mode of appointment was changed to on the basis of seniority. The respondent/State by circular dated 10.3.2005 (Annexure P/7) has decided to promote all the selected Head Constables, in the examinations, who could not be promoted on the post of Assistant Sub Inspector on account of the earlier amended S.O.P. No. 24/2002 dated 23.6.2003.

2. In the writ petition No. 1210/2004 (Bharat Lal Nagwanshi Vs. State of Chhattisgarh & others), wherein the same issue was involved, this Court after recording the statement of learned counsel for the State has observed as under:-

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> *"Counsel for the State submits that vide Standing Order of Police No. 806-A/2005 dated 10.3.2005 Annexure R-1, it has been directed that the police personnel who had appeared in the departmental promotion examination and were selected and also those who were selected in the departmental promotion examination and had subsequently completed their Pre-Promotion Court, will be given promotion to the post of Assistant Sub Inspector as per Standing Order of Police dated 23.10.2002. He submits that the petitioner will be promoted."*

and directed that the suitable orders be issued as early as possible preferably within two months from that day.

3. Learned Deputy Advocate General, appearing for the respondent/State, submits that two similarly situated Head Constables, who were selected in the aforesaid examination, and are the petitioners in this petition, had already been promoted to the post of Assistant Sub Inspector.

4. In view of the aforementioned facts and submissions made by learned counsel for the respondent/State, this petition stands disposed of with a direction to pass appropriate orders in case of the remaining petitioners, as early as possible. In the facts of the case, no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur